

### **REMARKS**

Reconsideration and allowance of the above referenced application is respectfully requested.

Claims 23-32 are currently pending in the present application. Claims 24, 25, 27, 30, and 32 have been withdrawn from consideration. Claims 28, 29, and 31 are amended above in response to the Examiner's Communication and in accordance with the teleconference between undersigned counsel and the Examiner cited above. The amendments to the claims are fully supported by the specification and claims as originally filed.

By the above amendments to Claims 28, 29, and 31, Applicants have more clearly defined the invention as required by the Examiner's Communication to include contacting a sponge that harbors a bacteria that is capable of concentrating a metal or mineral with sea water, the sponge having a symbiotic relationship with the bacteria. Having amended Claim 28, 29, and 31 as discussed with the Examiner, Applicants hereby incorporate all earlier remarks submitted as well as the Declaration under 37 C.F.R. §1.132 of Dr. Winkler in support of patentability of the invention as now claimed.

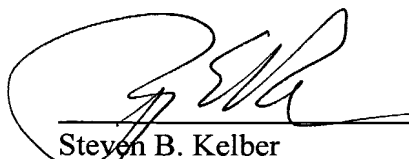
### **CONCLUSION**

In light of the above, Applicants believe that this application is now in condition for allowance and therefore requests favorable consideration.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

PIPER RUDNICK LLP

A handwritten signature in dark ink, appearing to read 'S. Kelber', is written over a horizontal line.

Steven B. Kelber  
Registration No. 30,073  
Attorney of Record

1200 Nineteenth Street, N.W.  
Washington, D.C. 20036-2412  
Telephone No. (202) 861-3900  
Facsimile No. (202) 223-2085

Perry E. Van Over  
Registration No. 42,197